

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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STEVEN BRODY, CHAIM HIRSCHFELD,  
and SUZANNE GRUNSTEIN, on behalf of  
themselves and all others similarly situated,

Civil Action No. 3:12-cv-4774-PGS-DEA

Plaintiffs,

vs.

MERCK & CO., INC., f/k/a  
SCHERING-PLOUGH CORPORATION,  
MSD CONSUMER CARE, INC., f/k/a  
SCHERING-PLOUGH HEALTHCARE  
PRODUCTS, INC., MERCK SHARP &  
DOHME CORP., AS SUCCESSOR IN  
INTEREST TO SCHERING  
CORPORATION, SCHERING-PLOUGH  
HEALTHCARE PRODUCTS SALES  
CORPORATION, AND SCHERING-PLOUGH  
HEALTHCARE PRODUCTS  
ADVERTISING CORPORATION,

DECLARATION OF  
JENNIFER M. KEOUGH

Defendants.

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I, JENNIFER M. KEOUGH, hereby declare as follows:

**INTRODUCTION**

1. I am Chief Operating Officer of The Garden City Group, Inc. (“GCG”). The following statements are based on my personal knowledge and information provided by other GCG employees working under my supervision, and, if called on to do so, I could and would testify competently thereto.<sup>1</sup>

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms shall have the same meaning as set forth in the Settlement Agreement (“Settlement Agreement”).

2. Pursuant to the *Order Preliminarily Certifying A Class for Settlement Purposes, Preliminarily Approving the Class Settlement, Appointing Class Counsel, Directing the Issuance of Notice to the Class, Scheduling a Final Approval Hearing, and Issuing Related Orders* (“Order”), Paragraph 9(a), GCG was appointed by the Court to be the Notice and Settlement Administrator.

3. I submit this Declaration in order to provide the Court and the Parties to this Action with information regarding timely and valid Claims received as of March 11, 2013.

### **CLAIMS RECEIVED**

4. In order to participate in the monetary portion of the Settlement, eligible Settlement Class Members were required by March 4, 2013 to electronically submit or have postmarked by U.S. Mail Claim Forms. Eligible Settlement Class Members could obtain Claim Forms by visiting the Settlement Website and completing them online, printing out a hard copy, or requesting a hard copy by writing to the Notice and Settlement Administrator. All Claims were subject to validation and the larger Claims (ten or more Eligible Coppertone Sunscreen Products claimed) required supporting documentation as per the Settlement Agreement.

5. As of March 11, 2013, GCG has received a total of 15,002 timely and non-duplicative Claim Form submissions that, in the aggregate, claim 518,108 total units of Eligible Coppertone Sunscreen Products.

6. The Claims that have been approved break down as follows:

a) 14,776 Claims have been submitted for nine or fewer units of Eligible Coppertone Sunscreen Products, claiming 82,306 total units of Eligible Coppertone Sunscreen Products. If the Final Settlement Date is attained, a total of \$123,459.00 will be paid for these Claims.

b) 16 Claims have been submitted for 10 or more units of Eligible Coppertone Sunscreen Products, with valid proof of purchase claiming 402 units. If the Final Settlement Date is attained, a total of \$603.00 will be paid for these Claims.

7. The Claims that have not been approved at this time are as follows: 210 Claims that have been submitted for 10 or more units of Eligible Coppertone Sunscreen Products, claiming 435,400 units of Eligible Coppertone Sunscreen Products. However none of these Claimants have yet provided acceptable proof of purchase. If all of these Claimants provide acceptable proof of purchase for all of the units claimed, a total of \$653,100.00 will be paid for these Claims if the Final Settlement Date is attained. To the extent that any of these Claimants do not provide any acceptable proof of purchase, the Parties have agreed that these Claimants will be entitled to Claim nine units of Eligible Coppertone Sunscreen Products, unless the Claim(s) are determined to be fraudulent or are otherwise rejected in their entirety pursuant to the terms of the Settlement Agreement.

8. On February 21, 2013, GCG sent deficiency and request for cure notices by email or First-Class U.S. Mail, postage prepaid, to those eligible Settlement Class Members who submitted Claims for ten or more units of Eligible Coppertone Sunscreen Products without acceptable proof of purchase. These deficiency notices informed the eligible Settlement Class Members that they were required to submit proof of purchase for each unit of Eligible Coppertone Sunscreen Products that they claimed in order to cure the deficiency. The deficiency notice gave them ten additional days to cure by providing identified acceptable proofs of purchase. The Parties have agreed to provide individuals in this category with a second deficiency and request for cure notices providing such individuals twenty additional days, measured from the date of the second request to respond. GCG is currently sending out those deficiency and request to cure notices.

9. As of March 11, 2013, GCG had received a total of 694 timely Claim Form submissions that will be rejected because they are duplicative. GCG is continuing to process all additional responses for requests for proof of purchase received and will conduct a final review of any submissions and any Claims that should be identified as fraudulent.

10. GCG is still receiving hard copy Claim Forms via U.S. mail. If GCG receives any additional timely Claims, those Claims will be processed and reviewed as per the Settlement Agreement, and will be paid or rejected accordingly.

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed this 11th day of March 2013, at Seattle, Washington.

A handwritten signature in blue ink, appearing to read "Jennifer M. Keough", written over a horizontal line.

JENNIFER M. KEOUGH

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

<p>STEVEN BRODY, CHAIM HIRSCHFELD, and SUZANNE GRUNSTEIN, on behalf of themselves and all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>MERCK &amp; CO., INC., f/k/a SCHERING-PLOUGH CORPORATION, MSD CONSUMER CARE, INC., f/k/a SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC., MERCK SHARP &amp; DOHME CORP., AS SUCCESSOR IN INTEREST TO SCHERING CORPORATION, SCHERING-PLOUGH HEALTHCARE PRODUCTS SALES CORPORATION, AND SCHERING- PLOUGH HEALTHCARE PRODUCTS ADVERTISING CORPORATION,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. 3:12-cv-04774-PGS- DEA</p> <p><i>DOCUMENT ELECTRONICALLY FILED</i></p> <p><b>CERTIFICATE OF SERVICE</b></p>
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I hereby certify that on this date, I caused to be filed, via electronic filing, the following  
document with the United States District Court for the District of New Jersey:

1. Declaration of Jennifer M. Keough.

I hereby certify that on this date, I caused copies of the foregoing documents to be served via ECF and a copy of the foregoing documents were sent by first class postage prepaid U.S. Mail to:

Gary S. Graifman  
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I further certify that on this date, I served a copy of the foregoing documents on the following by first class postage prepaid U.S. Mail and by electronic mail:

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I further hereby certify that I have provided courtesy copies of the foregoing documents by first class postage pre-paid U.S. Mail to the Honorable Peter G. Sheridan, U.S.D.J., pursuant to Local Civil Rule 5.2 and Electronic Case Filing Policies and Procedures.

Dated: March 11, 2013

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